

RICHARD H. SHROPSHIRE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS,
TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT
IN THE CASE OF RICHARD H. SHROPSHIRE AGAINST THE
UNITED STATES.

JANUARY 18, 1902.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 17, 1902.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. DAVID B. HENDERSON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 10223. Richard H. Shropshire v. The United States.]

STATEMENT OF THE CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by resolution of the House of Representatives on the 19th day of May, 1900, under the act of March 3, 1887, known as the Tucker Act.

The case was brought to a hearing on its merits on the 2d day of December, 1901. J. L. Thomas and R. W. Haynes, esqs., appeared for claimant, and the Attorney-General, by John Q. Thompson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That in the summer and fall of the year 1864 your petitioner was engaged in the business of a market gardener, and had a lease from the Rev. William H. Pratt on 35 acres of land adjoining the fair grounds at Lexington, Ky., on which he had planted potatoes, cabbage, turnips, and corn. That on or about the 1st day of October, 1864, he had growing on said premises, and then unharvested, 360 bushels of potatoes, 13,000 heads of cabbage, 400 bushels of turnips, and 105 bushels of corn; that on or about the day aforesaid a large force of United States troops, composed in the most part of the Thirty-fifth Kentucky Cavalry, being part of the brigade commanded by Gen. Stephen G. Burbridge, but under E. A. Starling, the colonel commanding (S. W. Price commanding the post), said troops, generals, and colonels being in the service of the United States in the prosecution of the war to put down rebellion then existing in the Southern States, camped at said fair grounds at Lexington, Ky., aforesaid, and while so camped there said troops, under the command of

the said Col. E. A. Starling, took and appropriated to their own use, the same being necessary for their sustenance and support, the said 360 bushels of potatoes, the said 13,000 heads of cabbage, the said 400 bushels of turnips, and the said 105 bushels of corn so grown by your petitioner on said lease hold as aforesaid, and that said 360 bushels of potatoes, so appropriated by said troops aforesaid, were then reasonably worth the sum of \$1.20 per bushel, in all \$432; the said 13,000 heads of cabbage, so appropriated by said troops aforesaid, were then reasonably worth 10 cents each, or \$1,300 in all; that the said 400 bushels of turnips, so appropriated by said troops aforesaid, were then reasonably worth \$1 per bushel, or \$400 in all; that the said 105 bushels of corn, so appropriated by said troops aforesaid, were then reasonably worth 60 cents per bushel, or \$65 in all; that said troops, under the command of said general and colonel, also took and appropriated to their own use at the date aforesaid 2 cords of wood, then reasonably worth the sum of \$20; also 1 hog, then reasonably worth the sum of \$16, that said wood and said hog being then the personal property of your petitioner.

Your petitioner states that the total value of said potatoes, cabbages, turnips, corn, wood, and hog, so appropriated by said troops aforesaid, was at the date aforesaid, as set out above, \$2,231.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT:

I. Richard H. Shropshire, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States through the war of the rebellion.

II. There was taken from the claimant, in the city of Lexington, State of Kentucky, during the war for the suppression of the rebellion, by the military forces of the United States for the use of the Army, property of the kind and character as above described which was then and there reasonably worth the sum of one thousand one hundred and thirty-one dollars (\$1,131).

No payment appears to have been made therefor.

III. The claimant presented a claim for the property hereinbefore set forth to the War Department under the act of July 4, 1864, but the same was returned to him in April, 1866, without approval, on the ground that it was considered a depredation. No further action appears to have been taken by the claimant to prosecute his claim or recover thereon until the same was transmitted to this court by resolution of the House of Representatives May 19, 1900, as hereinbefore set forth.

By THE COURT.

Filed, January 6, 1902.

A true copy.

Test this 17th day of January, A. D. 1902.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.